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Notice of Allowability

Application No.

09/965,142

Examiner

M. Alexandra Elve

Applicant(s)

KEEGAN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/16/04.
2. ☒ The allowed claim(s) is/are 1-18,26 and 27.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☒ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 5/04, 4/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark P. Levy on June 17 and 18, 2004.

The application has been amended as follows:

In the second occurrence of claim 2, delete the "2" and insert "3".

In claim 3, delete the "3" and insert "4".

In claim 4, delete the "4" and insert "5".

In claim 5, delete the "5" and insert "6".

In claim 6, delete the "6" and insert "7".

In claim 7, delete the "7" and insert "8".

In claim 8, delete the "8" and insert "9".

In claim 9, delete the "9" and insert "10".

In claim 10, delete the "10" and insert "11".

In claim 11, delete the "11" and insert "12".

In claim 12, delete the "12" and insert "13".

In claim 13, delete the "13" and insert "14".

In claim 14, delete the "14" and insert "15".

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In claim 15, delete the "15" and insert "16".

In claim 16, delete the "16" and insert "17".

In claim 17, delete the "17" and insert "18".

In claim 18, delete the "18" and insert "19".

In claim 19, delete the "19" and insert "20".

In claim 20, delete the "20" and insert "21".

In claim 21, delete the "21" and insert "22".

In claim 22, delete the "22" and insert "23".

In claim 23, delete the "23" and insert "24".

In claim 24, delete the "24" and insert "25".

In claim 25, delete the "25" and insert "26".

In claim 26, delete the "26" and insert "27".

In claim 27, delete the "27" and insert "28".

Newly renumbered claims 19-25 are cancelled as these are drawn to non-elected claims (claims were elected without traverse 3/19/03).

The applicant has previously canceled newly renumbered claim 26.

Applicant is now required to submit a substitute declaration or oath to correct the deficiencies set forth the third inventor, SUSHIL R. JANA, did not sign the oath. The substitute oath or declaration must be filed within the THREE MONTH shortened

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statutory period set for reply in the "Notice of Allowability" (PTO-37). Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136. Failure to timely file the substitute declaration (or oath) will result in **ABANDONMENT** of the application. The transmittal letter accompanying the declaration (or oath) should indicate the date of the "Notice of Allowance" (PTOL-85) and the application number in the upper right hand corner.

The following is an examiner's statement of reasons for allowance: the claims as supported by the specification differs from the prior art in that it does not teach an aluminum weld wire with a core composition that contains less than 5 wt% of elements that are not metals or metalloids or the presence of Ba or MnN.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is 571-272-1173. The examiner can normally be reached on 6:30-3:00 Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dunn can be reached on 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 22, 2004.



M. ALEXANDRA ELVE
PRIMARY EXAMINER